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Pascal Charroppin

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WASHINGTON, DC 20037

EXAMINER

SALLIARD, SHANNON S

ART UNIT

PAPER NUMBER

3628

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/767,143	<b>Applicant(s)</b> CHARROPPIN, PASCAL	
	<b>Examiner</b> SHANNON S. SALIARD	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant has amended claims 1 and 5. Claims 11 and 12 have been cancelled. Thus, claims 1-10 remain pending and are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments filed 12 February 2010, with respect to the rejection of claims 5-10 under 35 U.S.C. § 112, First Paragraph, have been fully considered and are persuasive. Thus, the rejection of claims 5-10 under 35 U.S.C. § 112, First Paragraph has been withdrawn.
3. Applicant's arguments and amendments, with respect to the rejections of claims 1-10 under 35 U.S.C. § 112, Second Paragraph, have been fully considered and are persuasive. Thus, the rejections of claims 1-10 under 35 U.S.C. § 112, Second Paragraph has been withdrawn.
4. Applicant's arguments and amendments, with respect to the rejections of claims 5-10 under 35 U.S.C. § 101, have been fully considered and are persuasive. Thus, the rejections of claims 5-10 under 35 U.S.C. § 101 has been withdrawn.
5. Applicant's arguments, with respect to the rejections of claims 1-10 under 35 U.S.C. § 103 (a) with regard to the limitation "a processing unit comprising comparing means for comparing one by one postal data in said first table of postal tariffs with corresponding postal data in said second table of postal tariffs", have been considered but are moot in view of the new ground(s) of rejection.

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6. Applicant's arguments filed, with respect to the rejections of claims 1-10 under 35 U.S.C. § 103 (a) with regard to the limitation "means for emitting to the operator of the franking system a message alerting that postal data corresponding to the mail item to be franked has been changed", have been fully considered but they are not persuasive. Applicant argues, "Additionally, the Examiner alleges that Baum discloses that the scale 22 waits for an input, and once an input ensues, a handshake signal is sent to the scale 22 to check whether a conversion of the service data is required (Office Action, page 5). The Examiner alleges that this disclosure corresponds to emitting at the time of franking a message alerting that the postal data has been changed (Office Action, page 5). Applicants respectfully submit that such disclosure of Baum merely corresponds to processing but does not correspond to emitting a message to the operator. Thus, it is respectfully submitted that claim 1 is also patentable over Baum and Dlugos because the combined references do not disclose or suggest the claimed "means for emitting to the operator of the franking system a message alerting that postal data corresponding to the mail item to be franked has been changed." First the Examiner notes that the rejection of this limitation was based on the combined teachings of Baum and Dlugos et al. Baum discloses, "If no weight value from the scale 22 is identified and transmitted to the postage meter machine, then this is determined in interrogation step 204 and a branch is then made back to point s of the system routine 200. **The postage meter machine thus waits for an input from the scale 22. When this input ensues, a handshake signal is sent to the scale 22 in the step 205 and a branch is then made to step 206 in order to check whether a conversion is required, particularly**

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**on the basis of a stored conversion date and the current date in step 207. Given a requirement for a conversion, a branch is made to step 208 in order to implement an updating of the service data in the memory areas of the non-volatile memory**

**16. A branch is then made back to the point s of the system routine.** Otherwise, the point t of the system routine 200 is reached. The input/display routine 209 contains a number of interrogation steps, each thereof being individually interrogated. The aforementioned German OS 195 34 530 discloses further interrogation steps. If no further inputs are present, the step 300 is executed without communication. When no further data were communicated, this being identified via the interrogation step 211, the point b of the system routine 200 is reached.” (col 8, lines 18-43). *Thus, Baum*

*discloses emitting, at the time of franking, a message alerting that postal data corresponding to the mail item to be franked has been changed. In addition, Dlugos et al discloses emitting to the operator of the franking system a message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator decides whether to replace the postal tariffs of the first table with the postal tariffs of the second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module “30” contains postal rate tables, and user plugs in module “30” to download new rate data into module “30”). Therefore, the combined teachings of Baum and Dlugos et al yield Applicant’s claimed invention*

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-3, 6, 7, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al (US 7,103,583) in view of Boothby (US 5,684,990) and Dlugos et al (US 6,463,133).

As per **claim 1**, Baum et al discloses a device alerting to the expiration of tariffs for a franking system, comprising a random access memory (RAM) for recording postal data (col 4, line 63-col 5, line 10) including:

a first table of postal tariffs relative to postal products and services, said first table of tariffs comprising postal tariffs applicable before a date of application (col 6, lines 34-54, memory area '16-02'),

a second table of postal tariffs relative to postal products and services, said second table of tariffs comprising postal tariffs applicable after said date of application (col 6, lines 34-54, memory area '16-01'); and

wherein said processing unit further comprises means for emitting to a franking system, a message alerting that postal data corresponding to the mail item to be franked has been changed, if it has been determined from said comparison of said postal data that at least one of the postal data corresponding to the mail item to be

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franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion).

Although Baum et al does not explicitly disclose a processing unit comprising comparing means for comparing one by one postal data in said first table of postal tariffs with corresponding postal data in said second table of postal tariffs, Baum et al does disclose the release order number of the previous postage fee schedule (first table) is compared to the version number of the postage fee schedule to be loaded in the future (second table) (col 7, lines 45-54). Furthermore, Baum et al further discloses that the release number is the combination of a version and revision number (col 10, lines 22-24, revision number indicates that there is a change in data). While in Baum et al the release numbers of the tables are compared instead of the postal tariffs of the tables, it would have been obvious to one of ordinary skill in the art at the time of the invention to compare the postal tariffs in the tables instead of the release date for the similar reason of indicating a change in postal tariffs and to yield the predicted outcome of ensuring that the postal tariffs being utilized in the franking machine are valid and updated, as suggested by Baum et al (col 7, lines 46-48). Furthermore, Boothby shows the known technique of comparing one by one data in a first table with corresponding data in a second table to determine that at least one of the data has changed (Abstract; col 5, line 58-col 6, line 39; col 9, lines 25-35). This known technique is applicable to the system of Baum as they both share characteristics and capabilities, namely, they are directed to synchronizing databases. One of ordinary skill in the art would have recognized that applying the known technique of Boothby

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would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the known technique of Boothby to the teachings of Baum would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data synchronization features into similar systems. Further, applying the comparison of the data one by one to Baum with the postal data stored accordingly would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow better accuracy.

While Baum et al discloses means for emitting to a franking system a message alerting that postal data corresponding to the mail item to be franked has been changed, if it has been determined from said comparison of said postal data that at least one of the postal data corresponding to the mail item to be franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion), Baum et al does not disclose emitting a message to the operator of the franking system; and means for receiving a decision of the operator whether to replace the postal tariffs of the first table with the postal tariffs of the second table, for updating the postal tariffs at the operator's request.

However, Dlugos et al discloses emitting to the operator of the franking system a message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator decides whether to replace the postal tariffs of the first table with the postal tariffs of the



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second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module “30” contains postal rate tables, and user plugs in module “30” to download new rate data into module “30”). It would have been obvious to one of ordinary skill in the art to include in the postal system of Baum et al in view of Boothby the ability to emit to an operator that postal tariffs are expiring, and allow the operator to replace the expired tables as taught by Dlugos et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 2**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system at a periodicity defined by the Postal Service (col 9, lines 22-25).

As per **claim 3**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system from a remote resetting centre (col 3, lines 6-7).

As per **claim 6**, Baum et al further discloses wherein the new postal data are stored at the location of the current postal data when the operator has accepted the updating of these postal data (col 4, lines 12-22).

As per **claim 7**, Baum et al further discloses wherein the current postal data are stored in a blank part of the RAM, to be kept for control purposes (col 6, lines 14-17; col 7, lines 58-61).

As per **claim 9**, Baum et al discloses wherein the postal data comprise postal tariffs (col 12, lines 52-54).

As per **claim 10**, Baum et al further discloses wherein the postal data comprise postal products and services (col 12, lines 52-54).

9. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al (US 7,103,583) in view of Boothby (US 5,684,990) and Dlugos et al (US 6,463,133) as applied to claim 1, and in further view of Thiel (US 6,321,214).

As per **claim 4**, While Baum et al in view of Boothby and Dlugos et al disclose loading a second table of postal tariffs in the franking system (Baum et al: col 7, lines 45-54), Baum et al in view of Boothby and Dlugos et al do not disclose wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded. However, Thiel discloses wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded (col 22, lines 18-25). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Baum et al in view of Boothby and Dlugos et al to include the method disclosed by Thiel for the advantage of convenience, efficiency, and in order to be sure the proper rates are always present on the customer system. Furthermore, it would have been obvious to one of ordinary skill in the art to include in the postage system of the modified Baum et al the ability to load a new tariff table when credit is reloaded as taught by Thiel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al (US 7,103,583) in view of Boothby (US 5,684,990) and Dlugos et al (US 6,463,133) as applied to claim 1, and in further view of Official Notice.

As per **claim 5**, Process for alerting to the expiration of tariffs for a franking system comprising:

a first table of postal tariffs relative to postal products and services, said first table of tariffs comprising postal tariffs applicable before a date of application (col 6, lines 34-54, memory area '16-02'),

a second table of postal tariffs relative to postal products and services, said second table of tariffs comprising postal tariffs applicable after said date of application (col 6, lines 34-54, memory area '16-01'); and

wherein said processing unit further comprises means for emitting to a franking system, at the time of franking, a message alerting that postal date corresponding to the mail item to be franked has been changed, if it has been determined that at least one of the postal data corresponding to the mail item to be franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion).

Although Baum et al does not explicitly disclose a processing unit comprising comparing means for comparing one by one postal data in said first table of postal tariffs with corresponding postal data in said second table of postal tariffs, Baum et al does disclose the release order number of the previous postage fee schedule (first table) is compared to the version number of the postage fee schedule to be loaded in

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the future (second table) (col 7, lines 45-54). Furthermore, Baum et al further discloses that the release number is the combination of a version and revision number (col 10, lines 22-24, revision number indicates that there is a change in data). While in Baum et al the release numbers of the tables are compared instead of the postal tariffs of the tables, it would have been obvious to one of ordinary skill in the art at the time of the invention to compare the postal tariffs in the tables instead of the release date for the similar reason of indicating a change in postal tariffs and to yield the predicted outcome of ensuring that the postal tariffs being utilized in the franking machine are valid and updated, as suggested by Baum et al (col 7, lines 46-48). Furthermore, Boothby shows the known technique of comparing one by one data in a first table with corresponding data in a second table to determine that at least one of the data has changed (Abstract; col 5, line 58-col 6, line 39; col 9, lines 25-35). This known technique is applicable to the system of Baum as they both share characteristics and capabilities, namely, they are directed to synchronizing databases. One of ordinary skill in the art would have recognized that applying the known technique of Boothby would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the known technique of Boothby to the teachings of Baum would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data synchronization features into similar systems. Further, applying the comparison of the data one by one to Baum with the postal data stored accordingly would have

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been recognized by those of ordinary skill in the art as resulting in an improved system that would allow better accuracy.

While Baum et al discloses means for emitting to a franking system, at the time of franking, a message alerting that postal date corresponding to the mail item to be franked has been changed, if it has been determined that at least one of the postal data corresponding to the mail item to be franked has changed (col 8, lines 53-62, communicating an instruction to implement a conversion), Baum et al does not disclose emitting a message to the operator of the franking system; and means for receiving a decision of the operator whether to replace the postal tariffs of the first table with the postal tariffs of the second table, for updating the postal tariffs at the operator's request.

However, Dlugos et al discloses emitting to the operator of the franking system a message alerting to the expiration of tariffs (col 4, lines 32-35); and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal tariffs (col 4, lines 32-35), whereupon the operator decides whether to replace the postal tariffs of the first table with the postal tariffs of the second table (col 4, lines 31-35; col 4, line 55- col 5, line 15; module "30" contains postal rate tables, and user plugs in module "30" to download new rate data into module "30"). It would have been obvious to one of ordinary skill in the art to include in the postal system of Baum et al the ability to emit to an operator that postal tariffs are expiring, and allow the operator to replace the expired tables as taught by Dlugos et al since the claimed invention is merely a combination of old elements, and in the

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combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Baum does not explicitly disclose when it is determined that the current postal data has not changed, franking the mail item with the current postal data using a franking machine even though the date of application of the current postal data is out of date. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention to continue to operate a franking machine with the current postal data when it is determined that the postal data has not changed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of the modified Baum to include franking the mail item with the current postal data when it is determined that the current postal date has not changed so that there is no disruption in service.

While Baum in view of Boothby and Dlugos et al disclose a decision of the operator of whether to replace the current postal data with new postal data, Baum and Dlugos do not disclose receiving the decision on a keyboard. However, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention to receive a decision from an operator via a keyboard. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Baum to include receiving on the keyboard a decision by the operator because a keyboard is a known way to receive instructions from an operator.

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11. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al (US Patent 7,103,583) in view of Boothby (US 5,684,990), Dlugos et al (US 6,463,133), and Official Notice as applied to claim 5, and in further view of Eckert (US 4,516,014).

As per **claim 8**, While Baum et al in view of Boothby, Dlugos et al, and Official Notice disclose emission of a message alerting to the expiring of tariffs (Dlugos et al: col 4, lines 32-35), Baum et al in view of Dlugos et al and Official Notice do not disclose wherein the emission of the message alerting to the expiration of tariffs is inhibited by the operator except for the first such message after the franking system has been put into operation. However, Eckert discloses wherein emission of an alerting message is inhibited by an operator except for the first such message after the franking system has been put into operation (col 8, line 66-col 9, line 14, Examiner interprets a message to be the same as a warning light). It would have been obvious to one of ordinary skill in the art to include in the postage system of the modified Baum et al the ability to inhibit an alerting message as taught by Eckert since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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